

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRANDON ORR,

**Plaintiff,**

## CITY OF NORTH LAS VEGAS, *et al.*,

## Defendants.

Case No. 3:16-cv-00282-MMD-VPC

**ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE**

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 8) ("R&R"). Plaintiff had until November 8, 2017, to file an objection. To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,

1 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
2 view that district courts are not required to review "any issue that is not the subject of an  
3 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
4 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
5 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
6 which no objection was filed).

7 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
8 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommends that  
9 this action be dismissed with prejudice based upon Plaintiff's failure to file an amended  
10 complaint that remedies the defects identified in the Court's order. After reviewing the  
11 filings, including Plaintiff's complaint, the Court agrees with the Magistrate Judge's  
12 recommendation.

13 It is therefore ordered, adjudged and decreed that the Report and  
14 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 8) is accepted and  
15 adopted in its entirety.

16 It is ordered that this action is dismissed with prejudice based on plaintiff's failure  
17 to file an amended complaint in compliance with the court's orders (ECF Nos. 3, 7).

18 It is further ordered that the Clerk enter judgement accordingly and close this  
19 case.

20 DATED THIS 9<sup>th</sup> day of January 2018.

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23 MIRANDA M. DU  
24 UNITED STATES DISTRICT JUDGE  
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